

House Bill 1440

By: Representatives Harbin of the 118<sup>th</sup>, Coan of the 101<sup>st</sup>, and O'Neal of the 146<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related objects, so as to provide definitions; to provide for the regulation of blunt wraps; to provide for legislative intent; to provide for preemption of certain matters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related objects, is amended by revising Code Section 16-12-170, relating to definitions, as follows:

"16-12-170.

As used in this article, the term:

(1) 'Blunt wraps' means cigar papers or cigar wrappers of all types that are designed for smoking or ingestion of tobacco products and that contain less than 50 percent tobacco.

~~(1)~~(2) 'Cigarettes' means any type of tobacco or tobacco product.

~~(2)~~(3) 'Community service' means a public service which a minor might appropriately be required to perform, as determined by the court, as punishment for certain offenses provided for in this article.

~~(3)~~(4) 'Minor' means any person who is under the age of 18 years.

~~(4)~~(5) 'Person' means any natural person or any firm, partnership, company, corporation, or other entity.

~~(5)~~(6) 'Proper identification' means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under Code

26 Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth  
27 certificate.

28 ~~(6)~~(7) 'Tobacco related objects' means any papers, wrappers, or other products, devices,  
29 or substances, including blunt wraps, which are used for the purpose of making cigarettes  
30 or tobacco in any form whatsoever."

31 **SECTION 2.**

32 Said article is further amended by adding a new Code section to read as follows:

33 "16-12-177.

34 It is declared by the General Assembly that the regulation of the sale and distribution of  
35 cigarettes and tobacco related objects is a matter of general, state-wide concern and it is the  
36 intent of the General Assembly to regulate the subject matter of this article completely.  
37 Therefore, no county or municipality shall adopt or enforce any ordinance or regulation  
38 inconsistent with this article."

39 **SECTION 3.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law  
41 without such approval.

42 **SECTION 4.**

43 All laws and parts of laws in conflict with this Act are repealed.